

SUBJECT: Continuing the Texas Commission for the Deaf and Hard of Hearing

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Naishtat, Maxey, Christian, J. Davis, Telford, Truitt, Wohlgemuth
0 nays
2 absent — Chavez, Noriega

WITNESSES: For — Adrian Shawn Hazard, Coalition of Texans with Disabilities
Against — None

BACKGROUND: Since 1971, the Texas Commission for the Deaf and Hard of Hearing (TCDHH) has been the primary state agency to provide communication access to Texans who are deaf or hearing impaired. Services are provided by contracting with 23 private and public agencies, known as Councils for the Deaf, located throughout the state. Through the councils, the agency funds such services as communication access, which mostly includes interpreter services, the Senior Citizens Program, and the information and referral programs. The TCDHH also licenses the state's 1,326 interpreters for the deaf.

The Senior Citizen Program provides outreach to elderly people who are deaf or hard of hearing. The information and referral programs assist the councils in providing information about additional services and adaptive equipment.

The two main roles of the agency are monitoring contract performance of the service providers and the purchase of interpreter services. The Americans with Disabilities Act requires TCDHH to act as an advocate for individuals who are deaf or hearing impaired by educating businesses, professionals, and the public about accommodations for deaf or hearing impaired clients and employees.

The TCDHH is governed by a nine-member commission appointed by the governor with the advice and consent of the Senate. A majority of the members must be deaf.

The agency is funded almost entirely with state funds and does not receive any federal money. For fiscal 1998-99, TCDHH received approximately \$2.4 million. In addition to state funds, TCDHH receives about \$20,000 a year in private funds for Camp SIGN, a summer camp for Texas children who are deaf or hard of hearing.

The TCDHH is subject to the Sunset Act and underwent Sunset Advisory Commission review during the past interim. The agency will be abolished September 1, 1999, unless continued by the Legislature.

DIGEST: CSHB 1401 would continue the TCDHH until September 1, 2007.

The bill would remove the statutory requirement that the commission establish a fee schedule regulating the cost of interpreter services. Instead, the commission would be required to adopt, by rule, a fee schedule based on the skill level of the interpreter. The fee schedule would apply only when there was insufficient competition in a particular service region to generate a fair market price for interpreter services. The bill also would repeal the requirement that the commission adopt a rule establishing a maximum hourly rate for interpreter services.

The bill also would remove the statutory payment fee schedule for interpreter certification evaluators and instead require the commission to establish the payment rates by rule.

The commission could develop guidelines for the use of tri-lingual interpreter services as well as training opportunities specifically designed for people who provide this service.

CSHB 1401 would prohibit TCDHH from distributing, advertising, or publishing the names of people who request adaptive equipment through the Specialized Telecommunications Devices Assistance Program.

The bill would also remove the \$2 fee limit for deaf or hard of hearing stickers for motor vehicles.

Other changes proposed by the bill include standard Sunset Advisory Commission recommendations on travel reimbursement, equal employment opportunity, conflicts of interest, standards of conduct, removal of

commission members, member training, and complaint records. Other standard licensing recommendations on reciprocity, continuing education, exam results, delinquent renewals, and provisional licenses are included.

CSHB 1401 would take effect September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 1401 would continue the Texas Commission for the Deaf and Hard of Hearing and implement recommendations made by the Sunset Advisory Commission to update and enhance agency operations. TCDHH has done an effective job of making services available statewide. By making necessary changes, the bill would help ensure that persons who are deaf or hearing impaired served by the agency will be able to participate actively and independently in society.

The Sunset Commission staff found that TCDHH is routinely paying the maximum price adopted by the agency for interpreter services, regardless of the level of services. Other states with large populations of hearing impaired people, such as California and Florida, competitively obtain interpreter services and do not set maximum fees. No other state establishes maximum rates and then routinely pays that amount.

CSHB 1041 would allow TCDHH to negotiate prices for interpreter fees based on the skill level of the interpreter. This would save money for the state because the agency would no longer pay the maximum amount every time an interpreter was used. TCDHH could determine market rates in a service area and base fees on competitive prices.

The bill would authorize TCDHH to develop guidelines for training and use of tri-lingual interpreters. Only a few tri-lingual interpreters are available in the state, and there is a tremendous need for them, especially in the border area. Tri-lingual interpreters may speak American Sign Language or Spanish Sign Language, Spanish, and English. Tri-lingual interpreters assist Spanish-speaking, hearing-impaired individuals in interacting with the English-speaking, hearing population as well as help Spanish-speaking parents whose hearing impaired children are learning American Sign Language.

The privacy of individuals who request telecommunication devices needs to be protected from solicitors that might want to target them to market similar

products. However, the bill would not prevent the state from collecting statistical information about the clients or the program.

TCDHH provides hearing impaired stickers that can be placed on a car regularly used by a hearing-impaired person. These stickers are used to alert law enforcement officers that the driver is hearing impaired or deaf. It costs more than the \$2 ceiling now specified by law to produce the stickers, and the commission should be allowed to recover those costs.

Allowing TCDHH to set the fee schedule for paying those who evaluate candidates for interpreter certification by rule rather than by statute would give the commission more flexibility when paying the evaluators. It also would allow the commission to adjust the fees in the future if needed.

OPPONENTS
SAY:

CSHB 1041 should provide for making the Specialized Telecommunication Devices Assistant Program (STDAP) available to more people. STDAP services should be made available to all persons with disabilities. Individuals who are quadriplegic or who have suffered a stroke would benefit from having specialized equipment that enables them to access telephone service. California has expanded its specialized equipment voucher program to include all people with disabilities.

OTHER
OPPONENTS
SAY:

CSHB 1401 also should require TCDHH to develop a program to assess the need for video relay interpretation. This service would be valuable in remote, isolated parts of the state where interpreter services are not accessible. Some other states are looking into the possibility of using video relay interpretation in courthouses, doctors' offices, and schools.

NOTES:

The committee substitute would remove the statutory fee schedule for evaluators of candidates for interpreter certificates and instead require the commission to establish, by rule, a fee schedule to pay evaluators. It would remove the \$2 fee limit for a hearing-impaired sticker. The substitute would prohibit the TCDHH from distributing or advertising the names of persons who request adaptive equipment. It also added clarifying language regarding "communication access."

Rep. Gray intends to offer a floor amendment that would extend the Sunset date to September 1, 2011.

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The companion bill, SB 359 by Harris, has been referred to the Senate Health Services Committee.